

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1075 of 2020

Arising Out of PS. Case No.-725 Year-2018 Thana- PHULWARISHARIF District- Patna

ABNISH KUMAR @ UJJWAL @ ABINASH KUMAR Son of Madan
Mohan Sharma R/o- Behlura Rampur, P.S.- Janipur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 20-01-2020

Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Informant in his written complaint has alleged that he received information that his son has been killed and thereafter he reached the place of killing and stated that he has been killed by some unknown accused.

It has been submitted that petitioner has been falsely implicated in this case and his name has surfaced in this case on the basis of confessional statement of co-accused Sudhanshu Kr and except said confessional statement of co-accused Sudhanshu Kumar there is no other incriminating material against the petitioner. Co-accused Sudhanshu Kumar on whose



confession the name of the petitioner has surfaced in this case has already been granted bail vide order dated 12.04.2019 in Criminal Miscellaneous No. 23667 of 2019. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 22.02.2019 in Criminal Miscellaneous No. 10768 of 2019 and 05.08.2019 in Criminal Miscellaneous No. 28358 of 2019. Petitioner is in custody since 20.05.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Phulwarisharif P.S. Case No. 725 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or



the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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